

No. 14-50095

**In the United States Court of Appeals
for the Ninth Circuit**

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

MICHAEL JOSEPH PEPE,

Defendant-Appellant.

On Appeal from the United States District Court
for the Central District of California

The Honorable Dale S. Fischer, Presiding

No. CR-07-00168-DSF

Appellant's Unopposed Motion for Extension of Time

SEAN K. KENNEDY
Federal Public Defender
JAMES H. LOCKLIN
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Counsel for Defendant-Appellant

Unopposed Motion for Extension of Time

Appellant Michael Joseph Pepe, by and through his attorney of record, Deputy Federal Public Defender James H. Locklin, hereby respectfully moves the Court for a four-month extension of time in which to file his opening brief, thereby making that brief due on November 3, 2014. The government does not oppose this motion. This motion is made pursuant to Federal Rules of Appellate Procedure 26(b) and 27 and Circuit Rule 31-2.2(b). It is based on the attached declaration, the files and records of this case, and any further information that the Court may request.

June 12, 2014

Respectfully submitted,

SEAN K. KENNEDY
Federal Public Defender

/s/ James H. Locklin
JAMES H. LOCKLIN
Deputy Federal Public Defender

Counsel for Defendant-Appellant

Declaration of James H. Locklin

I, James H. Locklin, hereby declare and state as follows:

I am a Deputy Federal Public Defender in the Central District of California. I represent appellant Michael Joseph Pepe in this appeal.

On February 28, 2014, the district court sentenced Pepe to 210 *years* imprisonment, and he is currently in custody serving this sentence. Pepe filed a timely notice of appeal.

All of the designated transcripts in this case have been filed by the court reporters.

Under this Court's March 4 order setting the briefing schedule, Pepe's opening brief is currently due on July 2. I have not previously requested an extension in this case.

I am requesting a four-month extension of the deadline for the opening brief for the following reasons:

- This is a large and complex case resulting in a 210-*year* sentence. There are over 500 entries on the district-court docket. Pepe was convicted after a 13-day trial, and there were also numerous pre- and post-trial motions and hearings. Given the size of the record, it will take me a substantial amount of time to review it, analyze the potential issues, consult with my client, and then prepare an opening brief.

- In past several weeks, I have filed briefs in the following cases: *United States v. De La Torre-Jimenez*, Case No. 13-50438 (reply brief filed on May 16); *United States v. Aguilar-Garcia*, Case No. 13-50302 (reply brief filed on May 21); *United States v. Arriaga Hernandez*, Case No. 13-50632 (reply brief filed on June 5). I also have three other cases in which I need to review the record relatively soon: *United States v. Bennett*, Case No. 14-50248; *United States v. Garcia-Jacobo*, Case No. 14-50207; *United States v. Gonzalez-Angulo*, Case No. 14-50149. In addition, I have an oral argument scheduled for July 8 in *United States v. Ledgard*, Case No. 12-50600, and an opening brief due on July 16 in *Sajor-Reeder v. Cavazos*, Case No. 14-55021. I also had and have other assignments requiring my attention. I have therefore not been able to spend much time on Pepe's case. However, I do expect to be able to devote a substantial portion of the next four months to this case.

On June 11, I sent an email to Assistant United States Attorney Patricia Donahue, who represents the government in this appeal, informing her that I would be seeking a four-month extension of time. She responded that the government does not oppose the extension provided that if the government seeks a similar extension for the filing of its answering brief, Pepe will not object.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 12, 2014, at Los Angeles, California.

/s/ James H. Locklin
JAMES H. LOCKLIN

Certificate of Service

I hereby certify that on June 12, 2014, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

/s/ James H. Locklin
JAMES H. LOCKLIN
Deputy Federal Public Defender

Counsel for Defendant-Appellant